

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DERRIN NIELSON, SAMUEL)	
GRISWOLD, CHAD DUET, and)	
STEVEN SCOGGINS,)	
)	
Plaintiffs,)	
)	
and)	
)	
CHRISTOPHER J. WELLS,)	
)	
Intervenor-Plaintiff,)	
)	
vs.)	Civil Action No. 10-0074-CG-C
)	
EAGLE TUGS, LLC, a corporation;)	
the M/V MR. LESTER, its hull,)	
engines and appurtenances, <u>in rem</u> ,)	
CHAISSON TUGS, LLC, a)	
corporation; and the MV CARL T,)	
its hull, engines and appurtances,)	
<u>in rem</u> ,)	
)	
Defendants.)	

ORDER

The defendants having failed to respond to this court's order dated August 1, 2011 (Doc. 56), and upon consideration of the alternatives that are available to the court, **DEFAULT** is hereby entered against defendants Eagle Tugs, LLC, Chaisson Tugs, LLC, in personam, the M/V MR. LESTER, and the M/V CARL T, in rem, for failure to comply with this court's order and to defend this action.¹

¹ The court notes that former defense counsel provided two addresses for the defendants: P.O. Box 1228, Theodore, Alabama 36590 (Doc. 55) and 0 Powell Road, Eight Mile, Alabama 36613 (Doc. 57), and that the clerk's attempts to serve copies of the order on the defendants at both addresses via certified mail and via first class mail at the Eight Mile address were unsuccessful (Docs. 58,59,60).

On or before October 19, 2011, the plaintiffs and intervenor plaintiff, Christopher J. Wells, are **ORDERED** to file motions for default judgment, along with any supporting evidence or affidavits sufficient for the court to determine the amount and character of damages.²

If counsel intend to include attorneys' fees in the default judgment, said counsel shall file a detailed affidavit in support of any fees claimed.

DONE and ORDERED this 5th day of October, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE

The court further notes that the copy of the order mailed to the defendants' address at P.O. Box 1228, Theodore, Alabama via first class mail has not been return undeliverable.

² Counsel are directed to e-mail a Word version of the proposed order to chambers at e-file_grande@alsd.uscourts.gov in compliance with Section II(E)(4) of the Administrative Procedure for Filing, Signing, and Verifying Documents by Electronic Means. This e-mail address is not to be utilized to communicate with the court unless otherwise permitted or when communications are solicited by the court.